

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REGINALD MCDONALD,)	3:13-cv-00240-MMD-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	December 19, 2014
)	
OLIVAS, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: No Appearance

COUNSEL FOR DEFENDANTS: Benjamin Johnson, Esq. (Telephonically)

MINUTES OF PROCEEDINGS: Motion Hearing

9:18 a.m. Court convenes.

The court states for the record that plaintiff Reginald McDonald is not present, either by telephone or in person for today's hearing. The court entered a minute order December 5, 2014 (Doc. # 146) scheduling today's hearing. The court served the minute order on Plaintiff via hard-copy which was sent to Mr. McDonald's current address listed on the docket sheet. The clerk advises the document was not returned as "undeliverable." Deputy Attorney Johnson advises the court that Defendants' "Notice of Compliance" (Doc. # 147) was served by mail and was also not returned as "undeliverable." The court has no other means of contacting Mr. McDonald. The court finds it appropriate to continue today's proceedings in Mr. McDonald's absence to address Plaintiff's Motion to Compel (Doc. # 103) and Motion to Request Extension of Discovery (Doc. # 132).

The court addresses Plaintiff's Motion to Compel (Doc. # 103) and related documents (Doc. ## 108, 122, 126, 131, 134, 136 and 147). The court primarily utilizes Defendants' Opposition to Motion to Compel (Doc. # 122) and Defendants' Notice of Compliance with Court Order # 144 (Doc. # 147) to address its findings as to Plaintiff's discovery disputes raised in his motion to compel. The court will be identifying the discovery disputes which Defendants will be ordered to supplement in part. Those discovery disputes which are identified in Plaintiff's motion

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to compel but as to which no order is entered during today's hearing shall be determined to be sufficient responses and no additional responses by Defendants are necessary. Defendants are cautioned, however, that as to those answers where the Defendant responded lack of knowledge or lack of recollection of the event the Defendant may be precluded from later offering any additional testimony on the subject beyond that contained in the discovery response. The record of proceedings will contain a more specific explanation of the court's resolution of the discovery disputes.

I. Plaintiff's Motion to Compel (Doc. # 103)

a. Notice of Compliance with Court Order (Doc. # 147)

**i. Defendant Bannister's Responses to Plaintiff's Interrogatories [Set 1]
(Doc. # 147-1, pgs. 3-11).**

Interrogatory No. 4: Plaintiff's motion to compel is GRANTED and defendant Bannister ordered to supplement his response to this interrogatory.

Interrogatory No. 5: Plaintiff's motion to compel is GRANTED and defendant Bannister ordered to supplement his response to this interrogatory.

**ii. Defendant Bannister's Responses to Plaintiff's Interrogatories [Set 2]
(Doc. # 147-1, pgs. 12-18).**

Interrogatory No. 6: Plaintiff's motion to compel is GRANTED and defendant Bannister ordered to supplement his response to this interrogatory.

**iii. Defendant Scott Response to Plaintiff's Interrogatories [Set 1]
(Doc. # 147-2, pgs. 2-9).**

Interrogatory No. 4: Plaintiff's motion to compel is GRANTED and defendant Scott ordered to supplement his response to this interrogatory.

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**iv. Defendant Scott Response to Plaintiff's Interrogatories [Set 2]
(Doc. # 147-2, pgs. 10-16).**

Interrogatory No. 2: Plaintiff's motion to compel is GRANTED and defendant Scott ordered to supplement his response to this interrogatory.

Interrogatory No. 5: Plaintiff's motion to compel is GRANTED and defendant Scott ordered to supplement his response to this interrogatory.

b. Defendants' Opposition to Motion to Compel (Doc. # 122)

i. INTERROGATORIES

a. Interrogatories as to Defendant Moyle (pgs. 4-6)

Interrogatory No. 9: Defendants' counsel is unsure whether this discovery request has been supplemented or not (the response states it would be supplemented by Defendant). If it has not, defendant Moyle is ordered to supplement his response to this interrogatory.

b. Interrogatories as to Defendant Poag (pgs. 6-8)

Interrogatory No. 2: Plaintiff's motion to compel is GRANTED and defendant Poag ordered to supplement his response to this interrogatory.

Interrogatory No. 3: Plaintiff's motion to compel is GRANTED and defendant Poag ordered to supplement his response to this interrogatory.

c. Interrogatories as to Defendant Ball (pgs. 9-11)

Interrogatory No. 7: Plaintiff's motion to compel is GRANTED and defendant Ball ordered to supplement his response to this interrogatory.

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d. Interrogatories [Set 2] as to Defendant Bennett (pgs. 14-16)

Interrogatory No. 1: Plaintiff's motion to compel is GRANTED and defendant Bennett ordered to supplement his response to this interrogatory.

Interrogatory No. 6: Plaintiff's motion to compel is GRANTED and defendant Bennett ordered to supplement his response to this interrogatory.

e. Interrogatories as to Defendant Walsh (pgs. 16-17)

Interrogatory No. 2: Plaintiff's motion to compel is GRANTED and defendant Walsh ordered to supplement his response to this interrogatory.

ii. REQUESTS FOR PRODUCTION OF DOCUMENTS

a. Set 5 (pgs. 17-21)

Request No. 1: Plaintiff's motion to compel is GRANTED and Defendants are ordered to supplement their response.

Request No. 3: Plaintiff's motion to compel is GRANTED and Defendants are ordered to supplement their responses. Defendants shall elaborate on the injuries other inmate participants sustained. Because of the confidentiality concerns, medical records of other inmates need not to be produced unless identifying information can be redacted.

Request No. 17: Plaintiff's motion to compel is GRANTED and Defendants are ordered to supplement their response.

b. Set 6 (pgs. 21 -24)

Request No. 1: Plaintiff's motion to compel is GRANTED and Defendants are ordered to supplement their response.

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IT IS THEREFORE ORDERED Plaintiff's Motion to Compel (Doc. # 103) is **GRANTED in part** and **DENIED in part** consistent with today's discussions. Defendants shall supplemental their responses within thirty (30) days of today's date or no later than **Monday, January 19, 2015**. Once supplemental responses are produced to Plaintiff, Defendants are directed to file a notice with the court and briefly describe the nature of the supplemental responses produced to Plaintiff.

II. Plaintiff's Motion to Request Extension of Discovery (Doc. # 132)

In view of the court resolving Plaintiff's Motion to Compel (Doc. # 103), the court does not find it necessary to extend the discovery deadlines. Therefore, Plaintiff's Motion to Request Extension of Discovery (Doc. # 132) is **DENIED**.

III. New Deadlines

The court establishes the following new deadlines:

Dispositive motions deadline: February 27, 2015, and

Joint Pretrial Order deadline: March 27, 2015, unless in the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further order of the court.

IT IS SO ORDERED.

10:35 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk